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BRIEFER COMMUNICATION.

THE NEW YORK PRIMARY ELECTION LAW.

Within the last few years a number of states have taken steps toward the public control of primary elections. Kentucky has provided for an official enrollment of party voters, Massachusetts has adopted a secret ballot for the primaries of Boston, while Illinois, by an act applicable only to Chicago, has taken the conduct of primary elections out of the hands of the party organizations and entrusted it to the regular election officers.

In the primary law which has just been passed by the legislature of New York, all of these features are combined.* The act is mandatory in cities of the first and second class,† and may be adopted in all other cities or villages of over 5000 inhabitants. It provides for two classes of primaries, official and unofficial. Unofficial primaries are to be conducted by the party organizations as formerly, but they are only intended to nominate candidates for special elections. There is to be an annual official primary on the seventh Tuesday before the general election. And further, on the first Tuesday in June of each even year, a primary election for delegates to state conventions is to be held. The official primaries will be surrounded with practically the same safeguards as regular elections.

The party affiliation of voters is to be recorded on the registration books. When a voter presents himself for registration, the inspectors will first record his name and address as heretofore, and will then ask the question: "Do you desire to enroll for the purpose of participating in the primary elections of any party?" If he answers in the negative or declines to answer, the word "no" will be written in the appropriate column. If he answers in the affirmative, the word "yes" will be written in the same column and he will be asked the further question: "With what political party do you wish to enroll?" Unless challenged, the inspectors must enroll him with the party which he designates; but if challenged, he must make a declaration covering three points: First, that he is in general sympathy with the principles of the party; second, that it is his intention to support its nominees *generally* at the next election, and third, that he has not enrolled with, or participated

* "An act in relation to enrollment of political parties, primary elections, conventions, and political committees." Approved March 29, 1898.

† Which includes all cities with a population of 50,000 or over.

in the primary elections or conventions of any other party since the first day of the preceding year.

In order to make this last declaration honestly, the voter must not have acted as a member of any other party within a period of twenty-one months. For example, at the enrollment in October, 1899, no one will be able to enroll as a Republican who has voted at the primaries of any other party later than January 1, 1898. There is, however, to be a supplemental enrollment on the second Tuesday in May, and this shortens considerably the period of probation. Those who are unable to enroll in October, 1899, as a result of having participated in the primaries of some other party during the preceding year—1898—will be able to enroll at the supplemental enrollment in May, 1900, since at that time "the preceding year" will mean 1899 instead of 1898. From this it appears that the minimum period of probation which a voter must pass through in order to become a member of a new party is one year and four months—from the first of January to the second Tuesday in May of the following year. In effect, this means that the voter who desires to change his party affiliations must pass one calendar year without participating in the primaries of any party.

No one, however, will lose his party standing by joining an independent municipal organization such as the Citizens' Union, as only those organizations which polled over 10,000 votes for governor at the last state election are political parties within the meaning of the law. Furthermore, no one will forfeit the right to vote at the primaries of his party by voting against its candidates at the regular election; nor can he be required to answer any questions on that point.

The official primaries are to be conducted at public expense by the regular election inspectors. Cities and villages to which the act is applicable, are to be divided into primary districts, each including two contiguous regular election districts, and in each district there are to be two polling places. At one of these, the four regular election inspectors belonging to the party which polled the largest vote for governor at the last state election will preside and conduct a primary for the exclusive benefit of such party. At the other, the remaining election inspectors will conduct a general primary for all other parties.

The inspectors at each polling place will have copies of the registration books, and only those electors who are enrolled can participate in the primaries of their respective parties. If, however, an elector is duly enrolled and still resides in the district, he cannot be denied the right to vote. If he is challenged, nothing is required

of him except to declare under oath or affirmation that he is the person he represents himself to be, and that he resides, and has for thirty days past resided, at the address given as his residence.

In order to preserve the secrecy of the ballot, a plan has been adopted which permits greater freedom of voting than the Australian system, and at the same time relieves the city of the expense of printing ballots. Anyone who desires, may prepare a ticket and have it printed, but all ballots must be of a given size, weight, and texture of paper, and those of each party of a specified color; so that when they are folded the ballots of different parties will be easily distinguishable, while all those of the same party present the same appearance. At the opening of the polls all ballots intended for use at the election may be deposited with the inspectors. When an elector presents himself and declares his desire to vote, he must announce his name, residence and party, and then, if the inspectors find him duly enrolled, they will deliver to him unfolded one of each of the ballots of his party. Having received the ballots, the elector will retire to a booth and select the one which he desires to vote. When he leaves the booth, all the ballots must be folded so that the names will be concealed. He must first deliver to the inspectors the ballot which he intends to vote, and as soon as it is in the ballot box, he must deliver up all the others, which will be placed in a box provided for the purpose and after the completion of the canvass, burned without examination. If this system is properly carried out, no observer will be able to tell which of the ballots an elector votes, and thus the voting will be no less secret than under the Australian system.

Most of the details which have not been noticed here are substantially the same as at regular elections. Wherever honest results are secured by the general election system there is no apparent reason why equally satisfactory results should not be obtained from the same principles as applied to primary elections.

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